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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,198	03/04/2002	Jurgen Heigl	TRW(REPA)6053	3513
26294	7590	04/01/2004	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 526 SUPERIOR AVENUE, SUITE 1111 CLEVEVLAND, OH 44114			CULBRETH, ERIC D	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,198

Applicant(s)

HEIGL, JURGEN

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

It is noted that the replacement sheet filed 12/29/03 was not identified in the top margin as "Replacement Sheet". Although the sheet is approved by the examiner, in the future replacement sheets should be clearly labeled.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent Document 20007930 U1 (of record, cited by applicant).

Although German '930 U1 is not in English, it is the priority document for US Patent 6,447,005 to Alb et al, and hence should include all the subject matter of Alb et al. German '930 U1 teaches (claim1) a vehicle interior lining assembly for a roof frame comprising a roof lining

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12, 14 (see Alb et al, column 1, lines 23-26, where the channels of the invention are mounted along the roof edge of a vehicle) and a gas bag 10 and lance 18 of a gas bag module. When installed the lining and module extend between an A-column and a C-column of a vehicle (Alb et al, column 1, lines 16-17). The lining is comprised of at least two pieces 12, 14 which together form the gas bag module. The recitation at the end of claim 1 (the two pieces forming a preassembled unit which before final installation are displaceable longitudinally with respect to each other) is not patentably distinguishing in an article claim (in an article claim, the preassembled parts are not patentable; only the final product is patentable). In fact, as functionally recited, the parts 12, 14 are longitudinally displaceable before final installation before cover 20 is attached at least. Similarly, regarding claim 11, in the state before installation in the vehicle when cover 20 is not attached yet, the folded elongated gas bag is the only connection between lining pieces 12, 14. In the preassembled state, the two lining pieces 12, 14 are able to be folded onto each other (column 1, lines 25-30) (claim 12) (at any rate, what can be done before installation to the unit is not patentably distinguishing).

3. Claims 1-5 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyahara et al (newly cited).

Miyahara et al discloses an interior lining assembly for a roof frame comprising interior lining 15, 16 (i.e., the assembly as shown in Figure 1 lines a roof frame interior) and a gas bag module 18, 21 fastened to the lining at 23 in Figure 2A, the gas bag in Figure 1 extending between A-column 1 and C-column 3. The lining's two pieces 15, 16 form a preassembled unit with the gas bag module which before installation are longitudinally displaceable (claim 1), are

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divided into two parts 15, 16 at a B-column in Figure 1 (claim 2), are spaced from each other in Figure 4 (parts 53 and 54)(claims 3 and 9), and have fastening means 23 in Figure 2A that fasten both lining pieces 15, 16 and the gas bag permanently to the vehicle inasmuch as applicant's invention (claim 4). Inflator 21 is part of the preassembled unit (claim 5) as functionally recited. In regards to claim 10, in Figure 1 the adjacent ends of pieces 15, 16 overlap at 17 at the B-column.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara et al in view of Haland et al (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyahara et al to include the inflator near the B-column as taught by Haland et al's inflator 51 in order to distribute gas evenly throughout the bag from the beginning (i.e., to inject gas from the center of the bag so that it quickly reaches both ends as opposed to an end so that gas has to travel the length of the bag to reach the other end).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Adomeit et al discloses an air bag cover with overlapping portions.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric D Culbreth
Primary Examiner
Art Unit 3616



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